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C O N F I D E N T I A L SECTION 01 OF 02 GUATEMALA 000140

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SUBJECT: NEW DEATH THREATS AGAINST UNION LEADERS UNDERSCORE CLIMATE OF IMPUNITY

REF: 07 GUATEMALA 2172

Classified By: Ambassador Stephen McFarland for reasons 1.4(b,d)

¶1. (U) Summary: The December 23 murder of a union legal advisor in Quetzaltenango and new death threats against two union leaders in Izabal have prompted the Guatemalan labor movement to reiterate its demands for justice and increased security. The threats may have been a response to a CAFTA labor complaint submitted in April 2008 by the AFL-CIO, in collaboration with six local trade unions. The two threatened leaders were members of the Banana Workers Union of Izabal (SITRABI), one of the six unions. End Summary.

¶2. (C) According to the AFL-CIO, the latest death threats against Noe Ramirez, Secretary General of the Banana Workers Union of Izabal (SITRABI) and Jesus Martinez, a member of the SITRABI Executive Committee, reflect an ongoing campaign of intimidation against SITRABI. A handwritten note was left on the door of Martinez' company-provided house on the Bandegua banana farm where he works. In a separate incident in a local restaurant a few days later, a SITRABI member claimed he overheard UNE Congressman Cesar Fajardo saying "we shall kill Noe Ramirez for submitting that CAFTA complaint." Ramirez said he did not know Fajardo well and that they had no history together, either good or bad. (Note: In 2007, in the run-up to the presidential election, Colom campaign manager Jose Carlos Marroquin, who had proposed vetting every UNE candidate, accused Fajardo of orchestrating an attack on his home in collaboration with other members of UNE and lower-level current and retired military officers. Fajardo was a founder of UNE and allegedly a lawyer for organized crime. End note.)

¶3. (C) In previous conversations with poloff, Ramirez and Martinez had mentioned that they, along with other SITRABI leaders, had been threatened, particularly after filing a complaint in 2007 regarding the murder of SITRABI Executive Committee Member Marco Tilio Ramirez (reftel). Neither Noe Ramirez (Marco's brother) nor Martinez have filed a complaint over the new death threats because, based on past experience, they believed that doing so would put them in greater danger.

They noted that each time they made inquiries with the local Prosecutor's Office in Morales, Izabal about the status of their complaint, the harassment and threats increased. They reported seeing suspicious vehicles following them or parking in front of their homes, and receiving "friendly advice" from strangers in restaurants and other public places to be quiet.

Prosecutor Noe Arana of the Special Prosecutor's Unit for Crimes Against Journalists and Unionists informed poloff on January 28 that they were not aware of the latest threats against the SITRABI leaders and that the most recent complaint of threats filed by SITRABI was in October 2007.

¶4. (C) In a meeting with the Vice Minister of Government on December 15, SITRABI was informed that the government does not have the personnel to cover every corner of the country. Noe Moya, Chief of the Special Prosecutor's Unit for Crimes Against Journalists and Unionists, told poloff that in November former Minister of Government Francisco Jimenez ordered National Civil Police Director Marlene Blanco to restore perimeter patrols at the Bandegua banana farm. In a meeting with poloff on January 22, Alma Luz Guerrero, Special Advisor to the Minister of Government, confirmed that police had been reassigned to patrol the perimeter of the banana farm where union members and workers live. Asked whether security measures would be reassessed in light of the new threats, Guerrero stated that she did not know.

¶5. (SBU) In a separate incident, on December 23, legal advisor Armando Sanchez Betancourt was killed by unknown assailants in Coatepeque, Quetzaltenango. Betancourt's wife has not filed a complaint with the Public Ministry (Attorney General's Office) reportedly out of fear for her personal safety and that of her family as well as for her job in the court system in Coatepeque. At the time of the murder, Betancourt was legal advisor to the National Union of Construction and Service Workers of Guatemala (SINCS-G) and the Southwest Union Coordinator (COSINSO), and had provided legal support to the Committee of Peasant Unity (CUC) and to the National Executive Council of Peasant Organizations (CENOC). He was representing union workers on their claims against a construction company, as well as providing legal counsel to a vendors association regarding an increase in rent for stalls at the market in Coatepeque. He had recently secured a court decision in favor of the vendors. SINCS-G

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believed that the killing was related to Betancourt's union work. There had been other threats against SINCS-G. Officers were attacked in June/July 2008, and an officer's 16-year-old son was severely beaten by assailants who had gone to his home looking for his father. The assailants threatened to kill his father and the Secretary General of SINCS-G. In a January 6 press statement, the Central Workers Union of Guatemala (CGTG) reported that according to local radio sources, the mayor of Coatepeque, in the days preceding the killing, had alluded to a "pretty surprise" in store for the vendors on December 23 or 24.

¶6. (C) Special Advisor Guerrero described the case as very complex, with two different theories: civil society believes that Betancourt was killed by a "social cleansing" group, perhaps by friends of the mayor, for interfering with the mayor's plan to force the vendors to relocate to a new market. The other theory is that he was killed for swindling clients who had paid up front for his legal services. Guerrero noted that Betancourt had recently been imprisoned for swindling. The Public Ministry and the human rights working group coordinated by Guerrero have requested transfer of the case from Coatepeque to Guatemala City for an independent investigation.

¶7. (SBU) Comment: This latest labor murder case underscores the difficulty of making a direct correlation between union activities and threats and acts of violence against labor activists. Some labor activists are engaged in questionable activities unrelated to the defense of labor rights and union activities. Guatemala is a violent society where disputes of all kinds are often settled violently and courts convict less than seven percent of the killers. It is undoubtedly also true, however, that some unionists have been murdered in direct retribution for their union activities. SITRABI members have been targeted in the past.

McFarland